

Constantine P. Economides (pro hac vice)
(Florida Bar No. 118177)
Brianna Pierce (CA Bar No. 336906)
ROCHE FREEDMAN LLP
1 SE 3rd Avenue, Suite 1240
Miami, FL 33131
Tel: (305) 971-5943
Email: ceconomides@rochefreedman.com
Email: bpierce@rochefreedman.com

Counsel for Plaintiff,
Ariel Abittan

Craig A. Hansen (SBN 209622)
Email: craig@hansenlawfirm.net
Stephen C. Holmes (SBN 200727)
Email: steve@hansenlawfirm.net
Philip E. Yeager (SBN 265939)
Email: phil@hansenlawfirm.net
Collin D. Greene (SBN 326548)
Email: collin@hansenlawfirm.net
HANSEN LAW FIRM, P.C.
75 E. Santa Clara Street, Suite 1250
San Jose, CA 95113-1837
Telephone: (408) 715 7980
Facsimile: (408) 715 7001

Counsel for Defendants,
Temujin Labs Inc., a Cayman Islands
Corporation and
the individual defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ARIEL ABITTAN

PLAINTIFF,

v.

LILY CHAO ET AL.,

DEFENDANTS,

and

EIAN LABS INC.,

NOMINAL DEFENDANT.

Case No.: 5:20-CV-09340-NC

**STIPULATION REGARDING AMENDED
COMPLAINT AND MOTION TO STRIKE;
[PROPOSED] ORDER**

Judge: Hon. Nathanael M. Cousins

Pursuant to Civil Local Rule 6-1, defendants Temujin Labs Inc., a Cayman Islands corporation (“Temujin Cayman”) and the Individual Defendants (collectively “Defendants”) and plaintiff Ariel Abittan (“Plaintiff”) by and through their respective counsel, stipulate and request as follows:

WHEREAS, on May 20, 2022, the Court issued an Order Granting Temujin Cayman’s and Individual Defendants’ Motion to Dismiss;

WHEREAS, the Court ordered that “Plaintiff may amend this Complaint within 14 days of the date of this order” and “[t]he Amended Complaint may not add any additional claims or parties without advance leave of Court” [ECF No. 141];

WHEREAS, on June 3, 2022, Plaintiff filed an amended complaint [ECF No. 142];

WHEREAS, on June 17, 2022, Defendants filed a motion to strike, arguing that the amended complaint includes additional claims and parties without advance leave of court and requesting an order requiring Plaintiff to file an amended complaint without the additional claims and parties [ECF No. 143];

WHEREAS, Plaintiff agrees to withdraw the amended complaint [ECF No. 142] and file an amended complaint that does not add new claims or new parties;

WHEREAS, Plaintiff’s agreement renders Defendants’ motion to strike [ECF No. 143] moot;

WHEREAS, Defendants request, and Plaintiff agrees to, twenty-one (21) days to respond to the operative complaint once filed;

WHEREAS, pursuant to **Civil L.R. 6-1(a)**, “Parties may stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint, or to enlarge or shorten the time in matters not required to be filed or lodged with the Court, provided the change will not alter the date of any event or any deadline already fixed by Court order”;

WHEREAS, an extension of the time to respond to the operative complaint will not alter the date of any event or any deadline already fixed by Court order;

1 IT IS ACCORDINGLY STIPULATED, and the parties respectfully request that the Court
2 so order, that:

3 (a) Within one day of this order, Plaintiff shall file an amended complaint as the operative
4 complaint;

5 (b) Defendants' motion to strike [ECF No. 143] is withdrawn as moot;

6 (c) Defendants' response to the amended complaint shall be due twenty-one (21) days
7 from the date the amended complaint is filed.

8 Respectfully submitted,
9 DATED: July 1, 2022 ROCHE FREEDMAN LLP
10 By: /s/ Constantine P. Economides
11 Constantine P. Economides

12 DATED: July 1, 2022 HANSEN LAW FIRM, P.C.
13 By: /s/ Craig A. Hansen
14 Craig A. Hansen
15

16 I hereby attest that I obtained consent in the filing of this document from each of the
17 other signatories on this e-filed document.

18 DATED: July 1, 2022 ROCHE FREEDMAN LLP
19 By: /s/ Constantine P. Economides
20 Constantine P. Economides
21

22 * * *

[PROPOSED] ORDER

IT IS SO ORDERED THAT:

The above stipulation and joint request of counsel is GRANTED, and further that:

- (a) Within one day of this order, Plaintiff shall file an amended complaint as the operative complaint;
- (b) Defendants' motion to strike [ECF No. 143] is withdrawn as moot;
- (c) Defendants' response to the amended complaint shall be due twenty-one (21) days from the date the amended complaint is filed.

Dated: _____

The Honorable Nathanael Cousins
United States Magistrate Judge